REMARKS

Claims 5, 34 and 40 are rejected under 35 U.S.C. 112, second paragraph, for being indefinite.

Claim 5 has been amended to recite that the embolization material according to the present invention has a particle size distribution such that the particles are within a range of ± 100 micrometer of the average particle size. As described in the specification on page 15, first full paragraph, it is preferred that the particle size of the embolization material be uniform, i.e., that the sizes of the particles be distributed within ± 100 micrometer of the average particle size, for the purpose of providing reliable b;ocking.

Claim 34 has been amended to provide proper antecedent basis for the recitation "film formed from the synthetic polymer".

The amendments to claims 5 and 34 are believed to overcome the 35 U.S.C. 112, second paragraph, rejection and removal of the rejection is respectfully requested.

Claims 1 to 10, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/072280 (hereinafter "WO '280")in view of U.S. Patent No. 7,160,551 hereinafter "US '551").

Claims 1 and 34 have been amended to recite that the embolization material is dissolvable in dichloromethane,

chloroform, ethyl acetate, isopropyl ether or a water miscible organic solvent. This amendment is supported by the description on page 13, lines 7 to 10 and 15 to 20, in the specification of the present application.

The embolization materials of claims 1 and 34 must simultaneously be able to (1) penetrate through a catheter and (2) maintain the form of a blood vessel without injuring the blood vessel, i.e., be capable of being deformed in response to the form of a blood vessel to allow perfect blocking. (See, inter alia, the descriptions in the first full paragraph on page 11; the first full paragraph on page 9; the second full paragraph on page 10, and the paragraph bridging pages 27 and 28).

The amendments to claims 1 and 34, i.e., the limiting of the material to one being soluble in the recited solvents, limits the embolization material to non-crosslinked materials. The particles of WO '280, because of being crosslinked do not have (1) sufficient penetration through a catheter and are not capable of being deformed in response to the form of a blood vessel such that the form of the blood vessel is maintained.

US '551 fails to disclose the features of the embolization material of the present invention that the particles be able to (1) penetrate through a catheter and (2) be capable of being deformed

in response to the form of a blood vessel such that the form of the blood vessel is maintained. Therefore, the combination proposed by the Office will not result in the embolization material of claim 1.

Claims 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '280 in view of US '551 and U.S. Patent No. 6,586,354 (hereinafter "US '354"). US '354 also fails to overcome the insufficiencies noted above of WO '280 and US '551. Thus the combination of references fails to support the rejection of claims 34 and 40.

Removal of the 35 U.S.C. 103(a) rejections of the claims is believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated January 23, 2008, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 10/533,090
RESPONSE UNDER 37 C.F.R. §1.111

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NON-FINAL

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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